

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN JAMES WALSH,

Defendant.

CR 17-23-BU-DWM

ORDER

On July 28, 2023, United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the February 23, 2023 amended petition for revocation of Defendant Martin James Walsh's supervised release. (Docs. 162, 179.) The amended petition alleged five violations: (1) the failure to answer truthfully questions posed by his probation officer, (2) the use of methamphetamine, (3) the commission of a state crime, specifically criminal possession with intent to distribute, a felony under Mont. Code Ann. § 45-9-103, (4) possession of methamphetamine, fentanyl, and drug paraphernalia, and (5) possession of a device meant to substitute urine during drug testing. (See Doc.

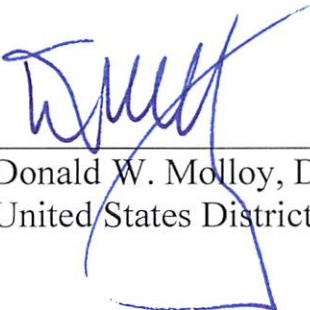
162.) At a final revocation hearing held on July 28, 2023, Walsh admitted to Violation Nos. 1, 2, and 5 and contested Violations Nos. 3 and 4. (*See* Doc. 179 at 3; Doc. 178 (Min. Entry).) As a result, United States Probation Officer Matt Rohan and Agent Thomas Slease testified as to the facts and evidence underlying Violation Nos. 3 and 4. (*See id.*) Based on the admitted violations and the evidence presented, Judge DeSoto found that Walsh committed all five violations alleged in the amended petition and recommends that supervised release be revoked and that this Court sentence Walsh to a custodial sentence of 12 months, followed by 24 months of supervised release. (Doc. 179 at 3–4.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court’s “full authority” to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto’s conclusion that the defendant violated the conditions of his release in the manner set forth in the amended petition, and that the defendant’s supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 179.)

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendations, (Doc. 179), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 15<sup>th</sup> day of August, 2023.



---

Donald W. Molloy, District Judge  
United States District Court